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    FACEBOOK, INC.

9
                    UNITED STATES DISTRICT COURT
10
                 NORTHERN DISTRICT OF CALIFORNIA
11
                    SAN FRANCISCO DIVISION
12

13
    FACEBOOK, INC.,   Case No. 5:08-cv-05780 JW
14
                 Plaintiff,   **DECLARATION OF MONTE M. F.**
15   **COOPER IN SUPPORT OF**
            v.   **FACEBOOK, INC.'S MOTION FOR**
16   **PARTIAL SUMMARY JUDGMENT**
    POWER VENTURES, INC. a Cayman Island   **ON COUNT 1 UNDER THE CAN-**
17 Corporation; STEVE VACHANI, an   **SPAM ACT**
    individual; DOE 1, d/b/a POWER.COM,
18 DOES 2-25, inclusive,   Date: December 19, 2011
                                            Time: 9:00 a.m.
19   Defendants.   Judge: Hon. James Ware
                                            Courtroom: 9, 19th Floor
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1   I, Monte M. F. Cooper, hereby declare as follows:

2   1.   I am an attorney with the law firm of Orrick, Herrington & Sutcliffe, LLP, counsel

3   of record to Facebook, Inc. in the above-captioned matter. I make this declaration based on my

4   personal knowledge, unless otherwise noted. If called, I can and will testify competently to the

5   matters set forth herein.

6   2.   Attached hereto as **Exhibit 1** is a true and correct copy of a New Scientist article

7   titled, "Inside Facebook's massive cyber-security system," dated October 26, 2011.

8   3.   Attached hereto as **Exhibit 2** is a true and correct copy of relevant excerpts from

9   the July 20, 2011, deposition transcript of Defendant Steve Vachani. **[DESIGNATED HIGHLY**

10   **CONFIDENTIAL]**

11   4.   Attached hereto as **Exhibit 3** is a true and correct copy of a Niehaus production

12   document, bearing Bates Nos. NIEHAUS PRODUCTION 00056-00064. **[DESIGNATED**

13   **HIGHLY CONFIDENTIAL]**

14   5.   Attached hereto as **Exhibit 4** is a true and correct copy of a Niehaus production

15   document, bearing Bates Nos. NIEHAUS PRODUCTION 00432-00479. **[DESIGNATED**

16   **HIGHLY CONFIDENTIAL]**

17   6.   Attached hereto as **Exhibit 5** is a true and correct copy of relevant excerpts from

18   Power Ventures, Inc.'s Responses to Facebook, Inc.'s First Set of Interrogatories, served

19   December 15, 2010.

20   7.   Attached hereto as **Exhibit 6** is a true and correct copy of relevant excerpts from

21   Power Ventures, Inc.'s Responses to Facebook, Inc.'s First Set of Requests for Admissions,

22   served December 15, 2010.

23   8.   Attached hereto as **Exhibit 7** is a true and correct copy of a Facebook production

24   document, bearing Bates No. FBPOWER00041.

25   9.   Attached hereto as **Exhibit 8** is a true and correct copy of a Power production

26   document, produced to Facebook via File Transfer Protocol on November 2, 2011. The document

27   contains portions of text in Portuguese and is followed by a certified translation in English and a

28   signed and notarized certification created by the company, TransPerfect Translations, Orrick

COOPER DECLARATION IN SUPPORT
OF MOTION FOR PARTIAL SUMMARY JUDGMENT
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1   retained to perform the translation. **[CONTAINS CONFIDENTIAL INFORMATION]**

2   10.   Attached hereto as **Exhibit 9** is a true and correct copy of an email from Timothy

3   Fisher to Morvarid Metanat, dated November 9, 2011. **[DESIGNATED HIGHLY**

4   **CONFIDENTIAL]**

5   11.   Attached hereto as **Exhibit 10** is a true and correct copy of Federal Register

6   Volume 73, Number 99, Part IV, "Federal Trade Commission" 16 C.F.R. Part 316: Definitions

7   and Implementation Under the CAN-SPAM Act, published May 21, 2008.

8   12.   Attached hereto as **Exhibit 11** is a true and correct copy of a Power production

9   document, bearing Bates Nos. POWER 2011.02.03 000089-90. **[DESIGNATED HIGHLY**

10   **CONFIDENTIAL]**

11   I declare under penalty of perjury that the foregoing is true and correct to the best of my

12   knowledge. Executed this 14th day of November 2011 at Menlo Park California.

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14   /s/ *Monte M. F. Cooper* /s/
                                                              Monte M. F. Cooper

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